

AMENDED IN SENATE MARCH 26, 2015

SENATE BILL

No. 297

Introduced by Senator McGuire

February 23, 2015

An act to amend ~~Sections~~ *Section* 18901.10 and 18914 of, and to add Section 10508 to, the Welfare and Institutions Code, relating to public social services.

LEGISLATIVE COUNSEL'S DIGEST

SB 297, as amended, McGuire. Public benefits: eligibility determinations.

(1) Existing law provides for financial and food assistance benefits to needy Californians including, among other programs, the California Work Opportunity and Responsibility to Kids (CalWORKs) program and CalFresh, under which each county provides for financial and food assistance benefits to qualified individuals who meet specified eligibility criteria.

This bill would require the State Department of Social Services to develop and make available to ~~county human services agencies, for use at their option, the Statewide Automated Welfare System~~ an electronic verification ~~system~~ *process* that allows ~~the~~ county human services agency eligibility workers to, *at their option*, access data available electronically from ~~other state public and private~~ agencies and programs for use in connection with the determination of eligibility for *specified* means-tested public benefit programs.

(2) Existing federal law provides for the federal Supplemental Nutrition Assistance Program (SNAP), known in California as CalFresh, formerly the Food Stamp Program, under which supplemental nutrition assistance benefits allocated to the state by the federal government are

distributed to eligible individuals by each county. Under existing law, county human services agencies administer CalFresh. ~~Existing law requires the county human services agency to provide CalFresh benefits on an expedited basis to households determined to be in immediate need of food assistance, and requires the department to develop and implement for expedited issuance a uniform procedure for verifying information required of an application.~~

~~This bill would require this verification procedure to include guidance on verifying the identify of an applicant using information available through the Medi-Cal Eligibility Determination System (MEDS) or the verification system developed pursuant to this bill. The bill would require the State Department of Social Services to develop and implement a uniform procedure for processing applications to provide benefits on an expedited basis, as specified.~~

Existing law requires each county human services agency, to the extent permitted by federal law, to exempt a household from complying with face-to-face interview requirements at initial application and recertification, and authorizes a person eligible for an exemption from the face-to-face interview requirement to request a face-to-face interview to establish initial eligibility or comply with recertification requirements.

This bill would instead require a county human services agency to conduct a telephone interview for purposes of determining eligibility at initial application and recertification, except as provided, and would require a county human services agency to facilitate submission of required documents using electronic and telephone technologies for the purpose of determining eligibility, and to the greatest extent possible. The bill would also expand the circumstances under which a face-to-face interview is required, required, and would authorize an electronic interview to be conducted if the county human services agency and the applicant or recipient both have the capacity to participate in an electronic interview. The bill would require the department to issue guidance for recording and storing electronic and telephonic signatures. By increasing the duties of county human services agencies administering CalFresh, this bill would impose a state-mandated local program.

The bill would require the State Department of Social Services to coordinate with county human services agencies ~~to develop a system make available a standard technological solution~~ that has the capacity to store telephonic and electronic signatures, as specified.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 10508 is added to the Welfare and
2 Institutions Code, to read:

3 10508. (a) In order to ensure timely and accurate decisions on
4 applications for means-tested public benefit ~~programs, programs~~
5 ~~under this division~~, the department shall develop and make
6 available to ~~county human services agencies, for use at their option,~~
7 *the Statewide Automated Welfare System established pursuant to*
8 *Section 10823*, an electronic verification ~~system~~ *process* that allows
9 *county human services agency* eligibility workers to, *at their*
10 *option*, access data available electronically from ~~other state~~
11 *appropriate public and private* agencies and programs for use in
12 connection with the determination of eligibility for means-tested
13 public benefit ~~programs, programs under this division~~. In
14 developing this electronic verification ~~system, process~~, the
15 department shall consult with county human services agencies,
16 eligibility workers, *representatives of the Statewide Automated*
17 *Welfare System*, and client advocates. *It is the intent of the*
18 *Legislature that the electronic verification process be utilized to*
19 *the greatest extent possible prior to requesting verification of data*
20 *elements from an applicant or recipient.*

21 (b) The electronic verification ~~system process~~ identified in
22 subdivision (a) shall be completed no later than the expiration of
23 the federal waiver for Office of Management and Budget Circular
24 A-87, which requires states to evenly allocate the development
25 costs for systems that are federally funded.

26 (c) (1) If the electronic verification ~~system process~~ developed
27 pursuant to subdivision (a) includes information obtained from an
28 agency that is subject to the requirements of either the federal Fair

1 Credit Reporting Act (15 U.S.C. Sec. 1681 et seq.) or the Consumer
2 Credit Reporting Agencies Act (Title 1.6 (commencing with
3 Section 1785.1) of Part 4 of Division 3 of the Civil Code), the
4 department shall report to the Legislature regarding the ways in
5 which the electronic verification-system *process* guarantees the
6 rights established under these laws to protect individuals from
7 negative actions resulting from incorrect information.

8 (2) A report submitted pursuant to this subdivision shall be
9 submitted in compliance with Section 9795 of the Government
10 Code.

11 SEC. 2. Section 18901.10 of the Welfare and Institutions Code
12 is amended to read:

13 18901.10. (a) To the extent permitted by federal law, and
14 ~~subject to the limitation except as provided in paragraph (1);~~
15 ~~paragraphs (1) and (2),~~ each county human services agency shall
16 ~~exempt a household from complying with face-to-face interview~~
17 ~~requirements~~ *conduct a telephone interview* for purposes of
18 determining eligibility at initial application and ~~recertification;~~
19 *recertification* and shall facilitate submission of required
20 documents using electronic and telephone ~~technologies;~~
21 *technologies to the greatest extent possible.*

22 (1) A face-to-face interview shall be ~~required~~ *conducted* if any
23 of the following occur:

24 (A) A face-to-face interview is requested by the applicant,
25 recipient, or authorized representative.

26 (B) On a case-by-case basis, ~~it a~~ *face-to-face interview* is
27 deemed necessary by the county to clarify a condition of eligibility.

28 (C) A face-to-face interview is required in order to make timely
29 and reasonable accommodations to serve a household with a person
30 who has a disability, is advanced in age, or is homeless. For
31 purposes of this subparagraph, ~~a~~ *the* face-to-face interview shall
32 be conducted in a mutually acceptable location.

33 ~~(2) When a face-to-face interview is not required pursuant to~~
34 ~~this subdivision, a telephone interview shall be conducted.~~

35 (2) *An electronic interview may be conducted in place of a*
36 *telephone or face-to-face interview if the county human services*
37 *agency and the applicant or recipient both have the capacity to*
38 *participate in an electronic interview.*

1 (3) A ~~face-to-face interview and telephone~~ *face-to-face,*
2 *telephone, or electronic* interview shall be conducted by a county
3 human services agency ~~staff.~~ *eligibility worker.*

4 (b) (1) In order to facilitate submission of required information
5 by applicants and recipients, the department shall issue guidance
6 for recording and the storing of electronic and telephonic
7 signatures.

8 (2) The department shall coordinate with county human services
9 agencies to ~~create a system~~ *make available a standard*
10 *technological solution* that has the capacity to store telephonic and
11 electronic signatures. The department shall, in ~~developing this~~
12 ~~system,~~ *identifying this solution,* work with county human services
13 agencies, *client advocates, the Statewide Automated Welfare*
14 *System,* and ~~with the Office of Systems Integration to ensure this~~
15 ~~system is designed to be directly accessed through the statewide~~
16 ~~automated welfare system developed pursuant to Section 10823~~
17 ~~and that maximum compatibility with the Statewide Automated~~
18 ~~Welfare System and to provide that the telephonic and electronic~~
19 ~~signatures would~~ *will* be stored within the ~~statewide automated~~
20 ~~welfare system, if appropriate.~~ *Statewide Automated Welfare*
21 *System, as appropriate.*

22 (3) A county shall not be required to use ~~this system~~ *the solution*
23 *identified pursuant to paragraph (2)* if the county is complying
24 with the guidance established by the department pursuant to
25 paragraph (1). *It is the intent of the Legislature that this section*
26 *ensure that applicants and recipients in all counties have the ability*
27 *to utilize telephonic and electronic signatures.*

28 (c) The state shall not, nor shall any county, ~~enact a waiver of~~
29 ~~federal law that allows~~ *allow* an eligibility interview to be
30 conducted by anyone other than a county human services agency
31 ~~staff.~~ *eligibility worker.*

32 ~~SEC. 3. Section 18914 of the Welfare and Institutions Code is~~
33 ~~amended to read:~~

34 ~~18914. (a) In accordance with, and to the extent provided by,~~
35 ~~federal law, the county human services agency shall provide~~
36 ~~CalFresh benefits on an expedited basis as provided in subdivision~~
37 ~~(b) to households determined to be in immediate need of food~~
38 ~~assistance.~~

39 ~~(b) Pursuant to the federal requirements of Section 273.2(i)(2)~~
40 ~~of Title 7 of the Code of Federal Regulations, the county human~~

1 ~~services agency shall screen all CalFresh applications for~~
2 ~~entitlement to expedited service. Applicants who meet the federal~~
3 ~~criteria for expedited service as defined in Section 273.2(i)(1) of~~
4 ~~Title 7 of the Code of Federal Regulations shall receive either a~~
5 ~~manual authorization to participate or automated card or the~~
6 ~~immediate issuance of CalFresh benefits no later than the third~~
7 ~~day following the date the application was filed. To the maximum~~
8 ~~extent permitted by federal law, the amount of income to be~~
9 ~~received from any source shall be deemed to be uncertain and~~
10 ~~exempt from consideration in the determination of entitlement for~~
11 ~~expedited service. For purposes of this subdivision, a weekend~~
12 ~~shall be considered one calendar day.~~

13 ~~(e) The State Department of Social Services shall develop and~~
14 ~~implement for expedited issuance a uniform procedure for verifying~~
15 ~~information required of an applicant. This verification procedure~~
16 ~~shall include guidance on verifying the identity of an applicant~~
17 ~~using information available through the Medi-Cal Eligibility~~
18 ~~Determination System (MEDS) or the verification system~~
19 ~~developed pursuant to Section 10508.~~

20 ~~(d) The department shall develop and implement a uniform~~
21 ~~procedure for processing applications to provide benefits on an~~
22 ~~expedited basis that are submitted electronically or by telephone~~
23 ~~and conducting interviews by telephone that are consistent with~~
24 ~~the process established pursuant to Section 18901.10.~~

25 ~~SEC. 4.~~

26 *SEC. 3.* If the Commission on State Mandates determines that
27 this act contains costs mandated by the state, reimbursement to
28 local agencies and school districts for those costs shall be made
29 pursuant to Part 7 (commencing with Section 17500) of Division
30 4 of Title 2 of the Government Code.